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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/021,855	12/13/2001	Michel Bisson	BEAS-01052US1	3936
23910 7590 07/05/2007 FLIESLER MEYER LLP 650 CALIFORNIA STREET 14TH FLOOR SAN FRANCISCO, CA 94108			EXAMINER PHAM, HUNG Q	
			ART UNIT 2168	PAPER NUMBER
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/021,855

Applicant(s)

BISSON ET AL.

Examiner

HUNG Q. PHAM

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 04 April 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 24-29, 63, 64 and 68-73 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 24-29, 63, 64 and 68-73 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 04/04/07 has been entered.

Response to Arguments

Claim Rejections - 35 USC § 112

- The rejection of claims 24, 25, 64, 68 and 69 with respect to the trademark/trade name has been withdrawn in view of the amendment. The rejection of claim 63 is sustained because the claim contains the trademark/trade name JAVABEAN.

- The rejection of claims 24, 63 and 68 with respect to the lacking of antecedent basis in the claims is sustained because the claims have not been amended to comply with the 35 U.S.C. § 112, second paragraph.

Claim Rejections - 35 USC § 112

- The rejection of claims 24-29, 63, 64 under 35 U.S.C. § 101 has been withdrawn in view of the amendment.

- The rejection of claim 68-73 under 35 U.S.C. § 101 is sustained. The system as recited in claims 68-73 comprises software per se. Software per se is not one of the four

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categories of invention. Therefore claims 68-73 are non-statutory. Software per se is not a series of steps or acts and thus is not a process. Software per se is not a physical article or object and as such is not a machine or manufacture. Software per se is not a combination of substances and therefore is not a composition of matter.

Claim Rejections - 35 USC § 102 and 103

Applicant's arguments with respect to the rejection under 35 U.S.C. § 102 and 103 have been considered but are moot in view of the new ground(s) of rejection.

Specification

The specification is objected to as failing to provide proper antecedent basis for the claimed subject matter. See 37 CFR 1.75(d)(1) and MPEP § 608.01(o). Correction of the following is required: *first business logic component, second business logic component* (Claims 24, 63, 68 and 69).

Claim Rejections - 35 USC § 112

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 24, 63 and 68 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to

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one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

Regarding claims 24, 63 and 68, the specification does not describe the amended limitations *generating a unified user profile by creating a second business logic component...and the first business logic component and the second business logic component allow the user or application to access data in the personalization database and the external user database independent of any knowledge of the data's location.*

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 26, 63 and 70 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 63 contains the trademark/trade name JAVABEAN. Where a trademark or trade name is used in a claim as a limitation to identify or describe a particular material or product, the claim does not comply with the requirements of 35 U.S.C. 112, second paragraph. See *Ex parte Simpson*, 218 USPQ 1020 (Bd. App. 1982). The claim scope is uncertain since the trademark or trade name cannot be used properly to identify any particular material or product. A trademark or trade name is used to identify a source of goods, and not the goods themselves. Thus, a trademark or trade name does not identify or describe the goods associated with the

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trademark or trade name. In the present case, the trademark/trade name is used to identify/describe computer program for developing and executing other computer programs on computers and, accordingly, the identification/description is indefinite.

Claim 63 recites the limitation *the naming convention* at line 9 and *the extended base user JAVABEAN* at line 21. There is insufficient antecedent basis for this limitation in the claim.

Claims 26 and 70 recite the limitation *said read and write access*. There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 24-29, 63, 64 and 68-73 are rejected under 35 U.S.C. 102(e) as anticipated by Underwood [U.S. Patent No. 6,594,676 .

Regarding claims 24, 63 and 68, Underwood teaches a method, program and system for *generating a unified user profile for providing to a user or application transparent access to a personalization database and an external user database* (FIG. 16.1). The Underwood technique comprises the step of:

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obtaining a first business logic component adapted to work through a personalization server to access said personalization database (As illustrated in FIG. 16.2 and Col. 52 Lines 25-29, to access *personalization database* contains user role, user name and user preferences, USERSS SITE SERVER USER component as *first business logic component* is obtained. USERSS is adapted to work through the SITE SERVER as *personalization server*),

wherein said first business logic component provides a transparent interface to a user or application through which implicit and explicit properties can be retrieved from and updated in the personalization database (USERSS provides IAFUser, IAFUserPreferences and IAFUerRole interfaces to a user, through which user role and user name as *implicit properties* and user preferences as *explicit properties* can be retrieved and updated (FIG. 16.2, Col. 50 Lines 40-55 and Col. 52 Lines 25-53),

wherein the access is carried out independent of any knowledge of the user or application of the naming convention of data in the personalization database (The access is carried out by GetUserID, GetUserName and GetRolePref method, therefore, the user has no knowledge of naming convention of data in the personalization database in the SITE SERVER (Col. 52 Lines 35-53));

generating a unified user profile by creating a second business logic component to extend the first business logic component such that said implicit and explicit properties can further be transparently retrieve from and updated in an external user database independent of any knowledge of the user or application of the naming convention of data in the external user database (As in FIG. 16.2, if user is not a SITE SERVER USER, USERDB DATABASE USER component as *second business logic component* is created to extend USERSS, user preferences and user rule object as *unified user profile* is constructed (Col. 51 Line 66-Col. 52 Line 3), such that user role and user name as *implicit properties* and user preferences as *explicit properties* can be retrieved from and updated in ORACLE/SQL SERVER DBMS as *external user database* (Col. 50 Lines 40-55). The access is carried out by GetUserID, GetUserName and GetRolePref method, therefore, the user has no knowledge of naming convention of data in the personalization database in the ORACLE/SQL SERVER DBMS (Col. 52 Lines 10-24));

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wherein the first business logic component and the second business logic component allow the user or application to access data in the personalization database and the external user database (Col. 50 Lines 40-55) independent of any knowledge of the data's location (The access is carried out by GetUserID, GetUserName and GetRolePref method, therefore, the user has no knowledge of data location (Col. 52 Lines 10-24 and Lines 35-53));

wherein the extended first business logic component uses a property set, said property set adapted to give namespace qualifications to implicit and explicit properties of said data in said personalization database (Col. 52 Lines 35-53); and further wherein said implicit and explicit properties comprise getter and setter properties (Col. 52 Lines 35-53); and

obtaining a security realm adapted to allow authentication of data in said personalization database and said external user database (Col. 51 Lines 4-19 and Col. 50 Lines 46-55).

Regarding claims 25, 64 and 69, Underwood teaches all of the claimed subject matter as discussed above with respect to claims 24, 63 and 68, Underwood further discloses the step of *generating transparent read and write access to said external database (Col. 50 Lines 40-55).*

Regarding claims 26 and 70, Underwood teaches all of the claimed subject matter as discussed above with respect to claims 24 and 68, Underwood further discloses the step of *configuring a server to provide said read and write access (FIG. 16.2, SITE SERVER).*

Regarding claims 27 and 71, Underwood teaches all of the claimed subject matter as discussed above with respect to claims 26 and 68, Underwood further discloses *server is a personalization server (FIG. 16.2, SITE SERVER).*

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Regarding claims 28 and 72, Underwood teaches all of the claimed subject matter as discussed above with respect to claim claims 24 and 68, Underwood further discloses *external user database is selected from the group consisting of legacy databases, corporate databases, and customer databases* (FIG. 16.2, ORACLE/SQL SERVER DBMS is a *customer databases*).

Regarding claims 29 and 73, Underwood teaches all of the claimed subject matter as discussed above with respect to claims 24 and 68, Underwood further discloses *external user database contains data selected from the group consisting of authentication information, user lists, group lists, and group membership* (FIG. 16.2, ORACLE/SQL SERVER DBMS contain *user lists*, e.g., TABLE USER NAME).

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to HUNG Q. PHAM whose telephone number is 571-272-4040. The examiner can normally be reached on Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, TIM T. VO can be reached on 571-272-3642. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

H. Q. Pham

HUNG Q PHAM
Primary Examiner
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June 21, 2007